

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:05:CR:20

LIONEL R. BEARD,

Defendant.

ORDER

Defendant, Lionel Beard, has filed a motion requesting that the Court release the racial composition of his jury. In an Order entered on November 20, 2009, the Court denied a previous motion Defendant had filed requesting that he be furnished with the names and racial profiles of the members of the jury. Defendant stated that he needed the information in order to address all of the complex legal issues to be presented in his motion under 28 U.S.C. § 2255, which Defendant is apparently in the process of preparing. The Court denied the motion, in part because the Clerk's Office would have to assemble this information and requiring such work would not be a good use of resources for such a speculative purpose.

In his instant motion, Defendant limits his request to simply the racial composition of the jury, but he still fails to cite any authority supporting his entitlement to such information. The Court itself has not found any authority providing that a defendant seeking to prepare motion under § 2255 which challenges, for the first time, the constitutionality of the jury selection procedures, is entitled to information relating to racial composition of the jury pool. As the Court indicated in its November 20, 2009, Order, this Court has previously rejected claims that this District's approved

jury plan was unconstitutional. Moreover, the Sixth Circuit has rejected similar challenges to the constitutionality of this District's system of selecting jurors. *See United States v. Booker*, No. 05-1929, 2007 WL 2492427, at *2-3 (6th Cir. Sept. 4, 2007); *United States v. Johnson*, 40 F. App'x 93, 96 (6th Cir. 2002); *United States v. Buchanan*, 213 F.3d 302, 309-10 (6th Cir. 2000) (affirming the district court's denial of the defendants' challenge to the racial makeup of the jury venire); *United States v. White*, Nos. 05-2059, 95-2158, 95-2159, 95-2160, 1997 WL 345730, at *2 (6th Cir. June 20, 1997).

Therefore,

IT IS HEREBY ORDERED that Defendant's Motion to Compel the Release of the Racial Composition of the Jury (docket no. 674) is **DENIED**.

Dated: March 1, 2010

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE